

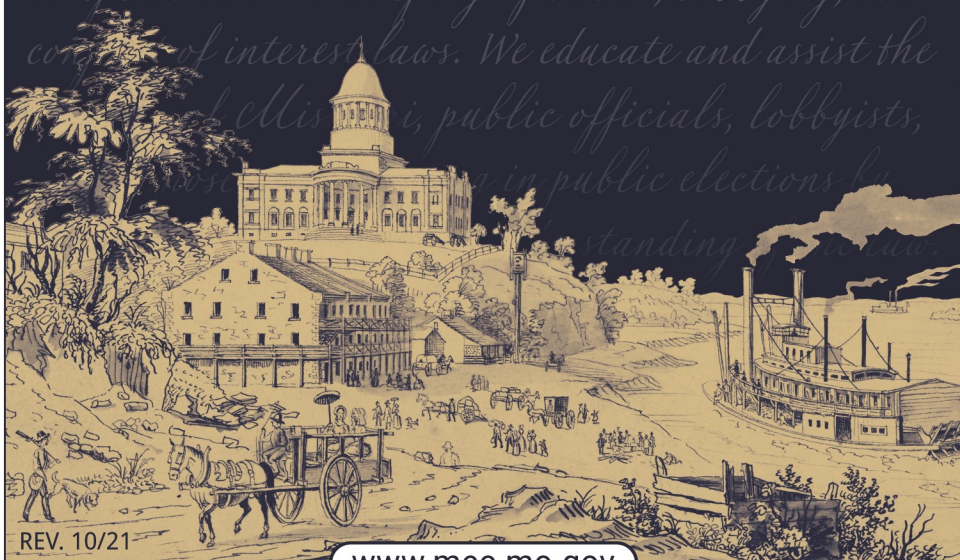


# MEC

Missouri Ethics Commission

## THE MEC GUIDE TO ETHICS LAWS A PLAIN ENGLISH SUMMARY 2022

— Ethics commission established —  
A bipartisan "Missouri Ethics Commission",  
composed of six members, is hereby established.  
The MEC serves the public interest by promoting  
and maintaining transparency, accountability, and  
compliance with campaign finance, lobbying, and  
conflict of interest laws. We educate and assist the  
public, public officials, lobbyists,  
and candidates in public elections by  
providing guidance and assistance in law.



REV. 10/21

[www.mec.mo.gov](http://www.mec.mo.gov)



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This guide is intended to provide a plain English summary of the Missouri ethics laws, including laws affecting the activities of individuals who are or may become candidates for elective office at the state, county, municipal, or special district level in Missouri. § 105.973, RSMo.

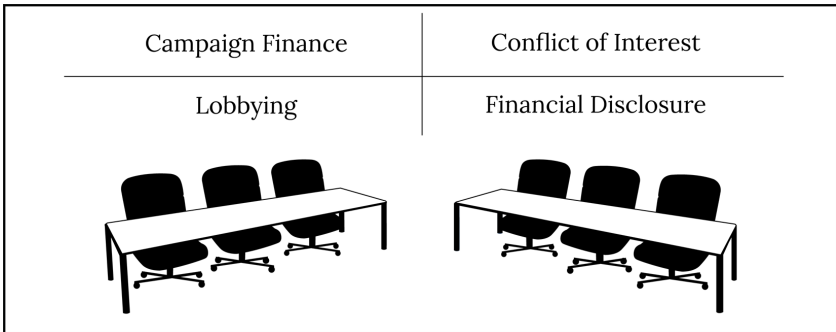
Information about the Missouri Ethics Commission and all forms and requirements can be found on the Commission's website at [www.mec.mo.gov](http://www.mec.mo.gov).

# -About the Commission-

## **Missouri Ethics Commission**

The Missouri Ethics Commission (MEC) was created by the Missouri Ethics Law of 1991. § 105.955, RSMo.

The Commission consists of six members, each appointed by the Governor with the advice and consent of the Senate for a four-year term. Commissioners are selected from different congressional districts, with no more than three Commissioners from the same political party. However, once appointed, Commissioners serve in a non-partisan manner. A chair and vice-chair are elected every two years. The Commission employs an Executive Director to oversee the day-to-day operations of the agency's professional and non-partisan staff.



The Commission enforces the laws and retains information and reports related to lobbyists, personal financial disclosure, campaign finance disclosure, and conflict of interest laws.

## **Our Mission**

The MEC serves the public interest by promoting and maintaining transparency, accountability, and compliance with campaign finance, lobbying, and conflict of interest laws. The Commission educates and assists the citizens of Missouri, public officials, lobbyists, and those participating in public elections, by increasing awareness and understanding of the law. The MEC investigates and enforces these laws consistently.

# -About the Commission-

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## **Advisory Opinions**

An advisory opinion is issued by the Commission and provides its interpretation of a law. An advisory opinion may act as legal direction to the person requesting the opinion and the requesting person will not be liable for relying on the opinion. The opinion may act as a defense of justification against prosecution.

### **To request an advisory opinion, the requester must:**

1. Submit a written request; and
2. Be directly affected by the application of the law to the facts presented.

§ 105.955.16(1), RSMo

The Commission may issue a written opinion regarding any issue that the Commission can receive a complaint on pursuant to § 105.957, RSMo.

Advisory opinions specifically apply to the requester but can be used for guidance by others on how the Commission interprets the law. Searching existing advisory opinions may aid in answering questions regarding Missouri's governmental ethics laws.

Advisory opinions are compiled and published on our website:

1. **Go** to [www.mec.mo.gov](http://www.mec.mo.gov)
2. **Select** Advisory Opinions at the bottom of the page
3. **Search** opinions by topic
  - All topics
  - Campaign Finance
  - Conflict of Interest
  - Lobbying
  - Personal Financial Disclosure

([https://mec.mo.gov/MEC/Commission\\_Business/OpinionsSearch.aspx](https://mec.mo.gov/MEC/Commission_Business/OpinionsSearch.aspx))

# Personal Financial Disclosure

# 1

## **What is a PFD?**

(§§ 105.483—105.492, RSMo)

A Personal Financial Disclosure (PFD) is a financial interest statement used to provide the public with information about the financial interests of a public official, employee, or candidate. A PFD is used to disclose any potential conflicts of interest.

The filer must disclose their financial interests as well as the interests of their spouse and dependent child(ren). State law allows the name and employment information of dependent children under the age of 21 to be redacted from a PFD upon written request.

## **What is a Political Subdivision?**

(§ 105.450(9), RSMo)

Political subdivisions include (but are not limited to): a county, city, town, village, township, school district, library district, public water supply district, road district, fire protection district, ambulance district, hospital district, health center, nursing home district, and other districts formed (pursuant to Mo. Law) to provide limited, specific services.

### **In this Section:**

- Required PFD Filers
- How to File
- PFD Annual Filers
- PFD Candidate Filers
- PFD Deadlines



See **[PFD Redaction Request Form](#)** on our website.

# -Filing a PFD-

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## **Persons Required to File a PFD with the MEC**

(§§ 105.483 and 105.489, RSMo)

Public officials and candidates for the following positions are required to file a PFD (including former officials/employees who served in the previous calendar year, even if only part of that year):

- Statewide officeholders and designated staff
- Senators and Representatives
- Certain state board and commission members
- Judicial candidates who are not sitting judges
- Municipal judges (if required by political subdivision)
- Certain employees of the state or political subdivisions including those employees who are authorized to promulgate or adopt rules and regulations or who serve as the chief administrative officer, chief purchasing officer, or full-time general counsel
- Candidates and public officials in political subdivisions where an ordinance has been adopted and filed with the MEC that meet one or both of the following:
  - The candidate, official, or their relative (related within the first degree of blood or marriage) is doing business or owns a substantial interest in a business that has conducted business with the political subdivision in excess of \$500
  - The conflict of interest ordinance/resolution specifically requires the filing of a PFD

### **Local Officeholders and Candidates:**

Political subdivisions may adopt a conflict of interest ordinance identifying positions required to file a PFD (also known as a *Financial Disclosure Statement for Political Subdivisions* or “short form”). The ordinance must be readopted every two years by September 15 and a certified copy must be filed with the MEC within 10 days of adoption or readoption.  
*Check with your political subdivision for local PFD requirements.*

## **Judges Required to File a PFD with the Missouri Supreme Court**

(§§ 105.483(1) and 105.489(2), RSMo)

- Missouri Supreme Court judges
- Appellate judges
- Circuit judges
- Associate circuit judges

**Note:** *Judicial candidates who are not sitting judges file with the MEC.*



# -Submitting a PFD-

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## How to File a PFD

- Those individuals filing a PFD for the first time can request an MEC ID on the MEC's website by clicking *Login* in the top right corner and selecting *PFD E-Filer Account Request* from the drop-down menu. Upon processing the request, the MEC will email the requester the MEC ID and password.
- Use the MEC ID to access the e-filing system on the MEC's website and begin completing the required information.
- Paper forms are also available on the MEC's website. Paper filings require an original signature and must be mailed, faxed, or hand-delivered.



### **Important Note:**

State law requires a written request to receive copies of PFDs filed with the Commission. Therefore, PFDs are not available for public viewing on [www.mec.mo.gov](http://www.mec.mo.gov).



See [Guide to Personal Financial Disclosure](#) on our website

# **-PFD Annual Filers-**

## **§ 105.487(3), RSMo**

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An annual filer is an individual from the state or a political subdivision with an annual operating budget (AOB) over \$1 million that is required by law to disclose their financial interests by virtue of the position they hold.

An annual filer must file a PFD with the MEC no later than May 2, 2022, after each calendar year the position is held. If the filer is also running for office, they must submit their PFD by the earlier candidate filing deadline (see pg. 10). Former public officials and employees who were designated PFD filers are required to file a PFD for the position they held in the previous calendar year.

### **Annual filer notification**

Each year, state agencies and political subdivisions with an AOB over \$1 million are required to provide the MEC with a list of individuals, including former public officials and employees, required to file a PFD. State law requires the state agency or political subdivision to notify all individuals that they have been designated as a required filer. In January of each year, the MEC notifies individuals that they have been designated as required to file a PFD by their state agency or political subdivision.

### **Reporting time period**

PFDs filed by the May 2, 2022 deadline cover January 1 through December 31, 2021. If an individual no longer holds the position, the PFD covers the period through the last day the position was held.

#### **Former employees and officials:**

Be sure the state agency or political subdivision has up-to-date contact information to ensure receipt of the annual PFD reminder.

### **Examples for annual PFD filers**

- A fire district board member serving through 2021 must file a PFD by May 2, 2022. This PFD will disclose the financial interests of the board member, their spouse, and dependent children for the 2021 calendar year.
- A former city council member served in a city with an ordinance that requires they file a PFD. Their last day of service was October 5, 2021, so they must report the financial interests of themselves, their spouse, and dependent children for January 1, 2021 through October 5, 2021, by the May 2, 2022 deadline.

# **-PFD Candidate Filers-**

## **§ 105.487(1), RSMo**

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A candidate filer is an individual running for public office who is required to file a PFD by virtue of the office the candidate is seeking.

A candidate's PFD is due no later than 14 days after the closing date of filing for candidacy (see specific language on the next page). If an individual is nominated as a candidate after the certification date, they must file a PFD within 14 days of nomination. This includes candidates in political subdivisions with an AOB over \$ 1 million (unless the subdivision has adopted an ordinance or resolution which specifically excludes the candidate from filing a PFD). Candidate filers must file their PFD with the MEC and provide a copy to their political subdivision if it has an ordinance.

### **Candidate filer notification**

A candidate receives notification of their PFD filing requirement and deadline from their election authority when they file a *Declaration of Candidacy*. The filing deadline is found on the *Notice to Candidate* form.

### **Reporting time period**

New candidates report information for the 12 months prior to the closing date for candidacy. Incumbent candidates (or candidates who are also annual filers) report information from January 1 of the previous calendar year to the closing date for candidacy. This period may be longer than 12 months. April incumbent candidates should meet both their annual and candidate filer requirements on the same statement.

A candidate required to file a PFD because of their candidacy in a primary election is required to **amend** their PFD by the Monday before the general election if they obtain any additional financial interests or have any change in their existing financial interests since the filing of their last PFD.

### **Examples for candidate PFD filers**

- An incumbent mayor is running for State Senate. Rather than filing their annual PFD by May 2, they file a candidate PFD no later than 14 days after the closing date for filing for candidacy.
- August primary election candidate filing closes March 29, 2022. The PFD for **incumbent** candidates covers January 1, 2021, through March 29, 2022. The PFD for **new** candidates covers March 29, 2021, through March 29, 2022.

# -PFD Deadlines-

2022 Candidate PFD Filer Deadlines					
2022 Election Dates	Feb. 8	March 8 See local charter	April 5 Municipal Election	Aug. 2	Nov. 8 General Election
<b>PFD Filing Deadline*</b> (14 days from the closing date of filing for candidacy)	Nov. 16, 2021	Dec. 14, 2021	Jan. 11	April 12	Aug. 16
<b>PFD Filing Deadline**</b> (21 days from the closing date of filing for candidacy)	Nov. 23, 2021	Dec. 21, 2021	Jan. 18	April 19	Aug. 23
<b>Penalties for candidate filers:</b> <i>*Failure to file by the 14-day deadline results in a minimum \$10/day late fee</i> <i>**Failure to file by the 21-day deadline shall result in removal from the ballot</i>					

2022 Annual PFD Filer Deadlines	
Current and former public officials/employees who are required to file a PFD	<b>May 2, 2022</b>
Any newly appointed or employed public officials who are required to file a PFD	<b>30 days from appointment or hire date</b> <b>(report for the calendar year prior to the date of appointment or hire)</b>
<b>Annual filers who are running for office must submit their PFD by the earlier candidate filing deadline.</b>	
<b>Penalties for annual filers: \$10/day late fees</b>	

- E-filed, faxed, or hand-delivered filings must be received **on** the due date.
- Mailed filings must be postmarked no later than midnight **the day before** the due date.
- If the PFD due date falls on a weekend or an official holiday, the due date is extended to the next business day.

**Note:** *If the political subdivision has a conflict of interest ordinance on file with the MEC and filing deadlines are not met, penalties (if any) are assessed by the political subdivision according to its ordinance.*

# Campaign Finance Disclosure

## 2

### **What is Campaign Finance Disclosure?**

(Chapter 130, RSMo)

Campaign finance disclosure is required when individuals, groups, and entities receive contributions (monetary or in-kind) and/or make expenditures (paid or incurred) to support or oppose candidates or ballot measures. The law requires record-keeping and reporting of these activities. These disclosure requirements provide accountability, transparency, and enforceability.

#### **Contributions**—§ 130.011(12), RSMo

Donations of money (also known as **monetary contributions**) or anything of value (also known as **in-kind contributions**) given to support or oppose a candidate or ballot measure. Contributions include gifts, loans, and a candidate's own money used in support of their candidacy (with specific exceptions noted in the law).

#### **Expenditure**—§ 130.011(16), RSMo

A payment made to support or oppose a candidate or ballot measure. Expenditures must be recorded and reported at the time they are made or incurred. **Incurred expenditures** are expenses that a candidate or committee promises to pay in one reporting period but actually pays in another.

### **In this Section**

- Establishing a Committee
- Filing Requirements & Deadlines
- “Paid for by” Disclosure
- Contribution Limits & Prohibitions
- Post-Election Guidelines
- Committee Checklist



See **Campaign Finance** publications on our website.

# **-Campaign Finance Committees-**

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## **What is a Committee?**

(See § 130.011, RSMo for full definitions of “committee” and “person”)

A committee is a person or group of people who accepts contributions (monetary or in-kind) or makes expenditures (paid or incurred) to influence the action of voters by supporting or opposing candidates and/or ballot measures or to pay a previous campaign debt.

Once the money spent or received exceeds the monetary thresholds (pg. 13) a committee must be formed and registered with the MEC.

## **Reporting Non-Committee Expenditures**

(130.047, RSMo)

Individuals, businesses, groups, and others that do not meet the definition of a committee, that are not accepting contributions from others, but are spending (or incurring) money to support or oppose candidates or ballot measures are required to file a *Non-Committee Expenditure Report*.

Expenditures totaling \$500 or more in support of or in opposition to candidates or ballot measures, must file a *Non-Committee Expenditure Report* disclosing the details of the expenditures must be filed.

See also [\*Advisory Opinion No. 2018.05.CF.004\*](#) regarding when non-profit corporations may be committees.

## **Out-of-State Committees and Federal PACs**

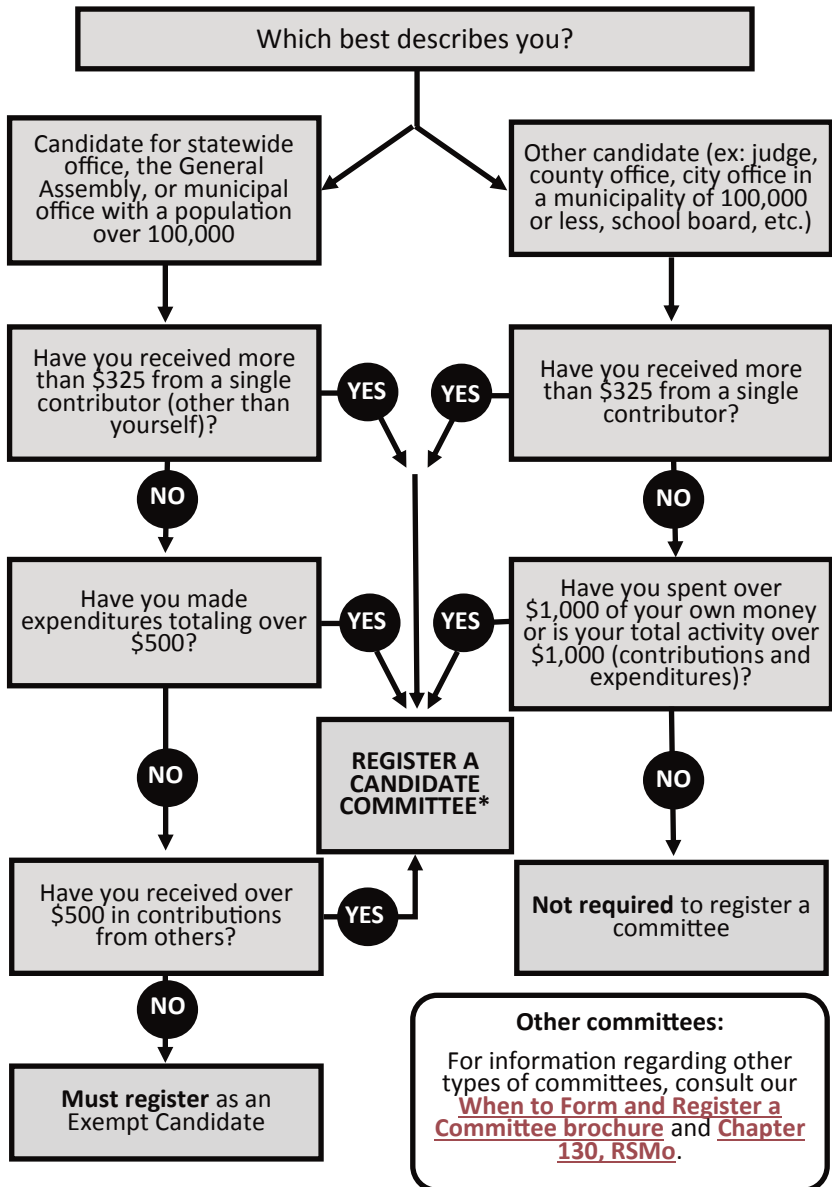
Missouri law defines certain federal political action committees (PACs) (registered with the Federal Election Commission (FEC)) and out-of-state committees (committees registered in other states). Federal PACs and out-of-state committees are required to register a Missouri committee and file reports if:

- The aggregate of all contributions received from persons domiciled in Missouri exceeds 20% in total dollar amount of all funds received by the committee in the preceding 12 months; or
- The aggregate of all contributions and expenditures made by the committee or PAC to support or oppose candidates and ballot measures in Missouri exceeds \$1,500 in the current calendar year; or
- The federal PAC makes a contribution to a candidate for the Missouri General Assembly.

See [\*1 CSR 50-5.010\*](#) and [\*1 CSR 50-5.020\*](#) for more information

# -Establishing a Candidate Committee-

§§ 130.016, and 130.021, RSMo



*\*to register a candidate committee, file a Statement of Committee Organization, then file all subsequent campaign finance disclosure reports for each reporting period as required.*

# -Establishing a Committee -

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## **Follow these steps:**

1. Identify the type of committee
2. Form the committee
3. Register the committee with the MEC to file regular financial disclosure reports

## **Step 1: Identify Committee Type**

<b>Committee Type</b>
<b>Candidate Committee</b> Formed by a single candidate for office in a specific election
<b>Continuing Committee</b> <b>(also known as a Political Action Committee or PAC)</b> Formed to remain in existence beyond any one election/ballot issue, directed by someone other than a candidate
<b>Debt Service Committee</b> Candidate committee converted to retire committee debt
<b>Exploratory Committee</b> Formed to receive/spend money to determine whether an individual will seek public office
<b>Political Party Committee</b> Formed as a committee of a political party
<b>Campaign Committee</b> Formed to support/oppose ballot measures or judicial retention



Refer to our ***When to Form and Register a Committee***  
*brochure for more information*



# -Establishing a Committee -

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## **Step 2: Form the Committee**

Assuming the thresholds requiring the formation of a committee are met, one should:

- Select a committee name incorporating the last name of the candidate (if applicable)
- Appoint a treasurer (required) and consider appointing a deputy treasurer (optional)
- Open a committee bank account
- Establish committee record-keeping practices
- Develop a procedure to ensure timely filing of all reports
- Become familiar with all campaign finance requirements

### **Treasurer/Deputy Treasurer Requirements:**

(§ 130.021.1, RSMo)

- Must be a resident of Missouri
- Must reside in the district or any county in which the committee sits ([Advisory Opinion 2008.10.CF.009](#))
- If a candidate committee:
  - Must reside in candidate's district or any county which contains a portion of the district
  - Must be appointed by the candidate (candidate can appoint self as treasurer)



See the [\*Treasurer's Guide for Campaign Finance\*](#) brochure on our website.

### **Bank Account Requirements:**

(§ 130.021.4, RSMo)

Every committee must have an official bank account which is:

- Held in the committee's name, as it will be registered;
- At one federal or state chartered bank, savings and loan association, or credit union in Missouri;
- A negotiable draft type of account;
- Able to provide records of deposits, canceled checks, and any other account of activity; and
- Not commingled with any other funds or bank account that has non-committee funds.

# -Forming a Committee-

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## **Step 3: Register the Committee**

(§ 130.021.5, RSMo)

All committees (except local campaign committees) must register with the MEC by filing a *Statement of Committee Organization* within 20 days of becoming a committee but no later than the deadline for the filing of the first disclosure report.

Local campaign committees must register with their local election authority. If they would like to electronically file reports with the MEC in lieu of paper reports with their local election authority, they must also file a *Statement of Committee Organization* with the MEC. Those committees must continue to file reports with the MEC.

### **Important Note:**

All committees, including local campaign committees, must register with the MEC within 48 hours of receiving a contribution or loan over \$5,000. **Loans include money given to one's own committee and must be reported as required.**

Upon registering, committees must disclose campaign finance activity by timely filing disclosure reports throughout the life of the committee.

## **Amending Committee Information**

(§ 130.021.7, RSMo)

File an **amended** *Statement of Committee Organization* within 20 days after a change occurs, but no later than the due date of the next required report. Include a brief description of what changed.



# -Committee Reporting Requirements-

<b>Quarterly Reports</b> (§ 130.046.1(3), RSMo)
All <b>committees</b> must file quarterly disclosure reports no later than the 15 <sup>th</sup> day following the close of each calendar quarter. These quarterly reports are due until the committee terminates.
<b>48 Hour Report of Contribution over \$5,000</b> (§ 130.044.1, RSMo)
Any individual or committee that receives a single contribution, including a loan, in an amount over \$5,000 must electronically report the contribution to the MEC within 48 hours. (See pg. 11 for a full definition of contribution) (must also report this contribution in the committee's next filed report).
<b>Late Contribution Report</b> (§ 130.050.3, RSMo)
Any <b>candidate committee</b> that receives a contribution, including a loan, in an amount over \$250 between the 11th day before the election through the day before the election, must report the contribution within 24 hours. (See pg. 11 for a full definition of contribution) (must also report this contribution in the committee's next filed report).
<b>Late Expenditure Report</b> (§ 130.046.3(2), RSMo)
Each time a <b>continuing committee (PAC)</b> spends or incurs more than \$250, whether in a single expenditure or in combined expenditures, after the 12 <sup>th</sup> day before an election, a full disclosure report must be filed within 24 hours. This does not include contributions made to another committee.
<b>40 Day Before Election Report</b> (§ 130.046.1, RSMo)
Only required if accepted contributions or spent money (made contributions or expenditures (paid or incurred)) for that election.
<b>8 Day Before Election Report</b> (§ 130.046.1(1), RSMo)
Only required if spent money (made contributions or expenditures (paid or incurred)) for that election.
<b>30 Day After Election Report</b> (§ 130.046.1(2) and § 130.046.5(2), RSMo)
Only required if spent money (made contributions or expenditures (paid or incurred)) for that election; and, if required, must be filed before taking office. If debt exceeds \$1,000, the committee may not file a <i>Statement of Limited Activity</i> for this report.

# -Campaign Finance Committees-

## Time Period Covered

(§ 130.046.5(2), RSMo)

If filing a *Full Disclosure Report*, the time period covered begins the day after the closing date for the last filed *Full Disclosure Report* (not *Statement of Limited Activity*). If filing a *Statement of Limited Activity*, the time period covered begins the day after the last filed full report closed.

**Example:** If you filed a *Statement of Limited Activity*, for the *January Quarterly Report*, and you have since received contributions or made expenditures over \$500, you will file a *Full Disclosure Report*, which includes all activity from October 1 through March 31 on the *April Quarterly Report*.

## Deadlines for Filing

(§ 105.964, RSMo)

If the due date for filing a report falls on a Saturday, Sunday, or an official holiday, the due date is extended to the next business day. However, this extension does not apply to any reports that are required to be filed after the *8 Day Before Election Report* (ex: *Late Contribution Report*, *Late Expenditure Report*, *48 Hour Report*).

## Late Fees

(§ 105.963, RSMo)

If reports to be filed with the MEC are not received by the due date, committees are assessed a minimum \$10/day late fee. If the report is not filed within 30 days, a \$100/day late fee is assessed, not to exceed \$3,000. For the *8 Day Before Election Report*, late fees are assessed at \$100/day for candidates.

<b>Quarterly Report Deadlines</b> (§ 130.046.1(3), RSMo)				
All committees must file quarterly reports no later than the 15th day following the close of each calendar quarter. These quarterly reports are due throughout the life of the committee. Closing and due dates are listed below.				
Closing Date (date reported through)	<u>Jan.</u> Dec. 31, 2021	<u>April</u> March 31	<u>July</u> June 30	<u>Oct.</u> Sept. 30
Due Date	Jan. 18	April 15	July 15	Oct. 17



See **Searches** on our website to view campaign finance disclosure reports.

# **-Deadlines for 2022 Elections-**

## **February 8, 2022 Election**

Report Title	Closing Date	Due Date
8 Day Before Election Report	Jan. 27, 2022	Jan. 31, 2022
30 Day After Election Report	Mar. 5, 2022	Mar. 10, 2022

## **March 8, 2022 Election**

Report Title	Closing Date	Due Date
40 Day Before Election Report	Jan. 22, 2022	Jan. 27, 2022
8 Day Before Election Report	Feb. 24, 2022	Feb. 28, 2022
30 Day After Election Report	Apr. 2, 2022	Apr. 7, 2022

## **April 5, 2022 Election**

Report Title	Closing Date	Due Date
40 Day Before Election Report	Feb. 19, 2022	Feb. 24, 2022
8 Day Before Election Report	Mar. 24, 2022	Mar. 28, 2022
30 Day After Election Report	Apr. 30, 2022	May 5, 2022

## **August 2, 2022 Election**

Report Title	Closing Date	Due Date
8 Day Before Election Report	Jul. 21, 2022	Jul. 25, 2022
30 Day After Election Report	Aug. 27, 2022	Sep. 1, 2022

## **November 8, 2022 Election**

Report Title	Closing Date	Due Date
8 Day Before Election Report	Oct. 27, 2022	Oct. 31, 2022
30 Day After Election Report	Dec. 3, 2022	Dec. 8, 2022

# -Paid for by- Campaign Materials

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## **What are campaign materials?**

(§ 130.031.8, RSMo)

All of the following printed matter are considered campaign materials and must display the proper “paid for by” statement:

- Pamphlets
- Sample ballots
- Flyers
- Advertisements
- Door hangers
- Signs (including those for display on vehicles)
- Business cards
- Other imprinted or lettered materials

## **What is excluded from “Paid for by” requirements?**

Items of personal use, given away or sold, that are:

- Paid for by a candidate or committee supporting or opposing candidates or ballot measures, and are
- Obvious in their identification with a specific candidate or committee, and
- The cost of which is reported on campaign finance reports as required by law.

## **Who must comply?**

Any person publishing, circulating, or distributing campaign material relative to any candidate for public office or any ballot measure within Missouri must comply with material identification requirements.

*See § 130.011(22), RSMo, for definition of “person.”*

*See § 115.646, RSMo, for prohibitions on use of public funds by political subdivisions to advocate, support or oppose candidates or ballot measures (see pg. 29).*

## **TV, Radio, and Federal Candidates**

Those who are transmitting information about candidates or ballot measures through TV or radio must provide sponsor identification in accordance with federal laws. Federal law also provides sponsor identification guidance for those who are printing material or broadcasting about federal candidates.



For more information see our **Paid for by** brochure on our website.

# -Paid for by- Campaign Materials

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## What is required to be printed on campaign materials?

Who paid for the printed material?	Required information ( <i>must follow the words "Paid for by"</i> )
Candidate from personal funds (only if no candidate committee exists) § 130.031.8(1), RSMo	First and last name by which candidate is known ( <b>NOT</b> "Paid for by candidate")  <i>Example: Paid for by Jane Doe</i>
Committee  § 130.031.8(2), RSMo	Name of the committee as required to be registered and the name and title of the committee treasurer who was serving when the printed matter was paid for  <i>Example: Paid for by Committee to Elect Jane Doe, John Smith, Treasurer</i>
Corporation, Business Entity, Labor Organization, Other Organization (not a committee and not organized for influencing election(s)), and Political Subdivisions  § 130.031.8(3), RSMo	Name of the entity, the name of the principal officer of the entity, by whatever title known, and the mailing address of the entity, or if the entity has no mailing address, the mailing address of the principal officer  <i>Example: Paid for by Rock Corporation, John Doe, Chief Financial Officer, 888 Main Street, Jefferson City, MO 65109</i>
Individual(s)  § 130.031.8(4), RSMo	Name of the individual or individuals and the respective mailing address or addresses  <i>Example: Paid for by Jane Smith, 888 Main Street, Jefferson City, MO 65109</i>  If more than five individuals pay for printed matter, print the words "For a list of other sponsors contact:" followed by the name and address of one individual responsible for causing the matter to be printed and who will maintain a record of the names and amounts paid by other individuals.  <i>Example: Paid for by: For a list of sponsors, contact: John Doe, 8525 South Main, Jefferson City, MO 65101</i>

**"Paid for by" statement must use full name of person and/or entity. Use of abbreviations or acronyms, including for committee names, is prohibited.**

## -Contribution Limits & Prohibitions-

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The Missouri Constitution contains provisions that impose campaign contribution limits on candidates for state office. The Constitution provides additional provisions relating to contributions from corporations and labor organizations, contributions received by and made by campaign finance committees, and criminal penalties for violations of these provisions. Chapter 130, RSMo, contains campaign finance laws enacted by the General Assembly.

Office Sought:	Contribution Limit from a Single Donor or Committee:
State Office (Governor, Lt. Governor, Secretary of State, State Treasurer, State Auditor, Attorney General)	\$2,650*
State Judicial Officer	\$2,650*
State Senator	\$2,400*
State Representative	\$2,000*
Local Office	No Limit**
<p><i>*check the MEC's website for the most up-to-date contribution limits</i></p> <p><i>**check with your political subdivision for local contribution limits</i></p> <p><b>A primary election and the succeeding general election are considered two separate elections. Contributions for the general election cannot be received until after the primary election (<a href="#">Advisory Opinion 2017.04.CF.012</a>).</b></p>	

While the state contribution limits do not apply to local candidates, there are numerous provisions that apply to all candidate committees, including local candidates.

Candidate Committees CANNOT	Candidate Committees CAN
<ul style="list-style-type: none"> <li>Accept from or make contributions to another candidate committee, including federal candidate committees</li> <li>Make contributions to continuing committees (PACs)</li> <li>Receive contributions from corporations (with some exceptions) and labor organizations directly</li> </ul>	<ul style="list-style-type: none"> <li>Receive contributions from continuing committees (PACs) subject to contribution limits (if they apply)</li> <li>Make contributions to political party committees</li> <li>Receive contributions from political party committees</li> </ul>



## -Contribution Limits & Prohibitions-

<b>Committee Type:</b>	<b>PROHIBITED from Accepting Contributions from the Following</b>
Candidate Committees (including Exploratory and Debt Service Committees)	<ul style="list-style-type: none"> <li>Any natural person who is not a United States citizen</li> <li>A foreign government</li> <li>Corporations or labor organizations (see pg. 24)</li> <li>Other candidate committees</li> <li>Any federal or out-of-state PAC that is making a contribution in excess of \$1,500 and has not registered with the MEC (General Assembly candidates are prohibited from taking any contributions from federal PACs that are not registered)*</li> </ul>
Political Party Committees	<ul style="list-style-type: none"> <li>Any natural person who is not a United States citizen</li> <li>A foreign government</li> <li>Corporations or labor organizations (see pg. 24)</li> <li>Any federal or out-of-state PAC that is making a contribution over \$1,500 and has not registered with the MEC*</li> </ul>
Campaign Committees	<ul style="list-style-type: none"> <li>Any natural person who is not a United States citizen</li> <li>A foreign government</li> <li>Any corporations that do not have authority to transact business in the State of Missouri</li> </ul>
Continuing Committees (PACs)**	<ul style="list-style-type: none"> <li>Any natural person who is not a United States citizen</li> <li>A foreign government</li> <li>Political party committees</li> <li>Candidate committees (including exploratory committees and debt service committees)</li> <li>Campaign committees</li> <li>Any corporations, associations, or partnerships that do not have authority to transact business in Missouri</li> <li>Any federal or out-of-state PAC that is making a contribution in excess of \$1,500 and has not registered with the MEC*</li> </ul>

*\* See pg. 12 for additional information pertaining to contributions from federal or out-of-state PACs*

*\*\*See exceptions for a State Senate and/or House Committee designated by the party leader (Article VIII, § 23.3(13))*

### **Penalties**

Article VIII, § 23 provides criminal penalties for violations of specific provisions. These penalties can be found in Article VIII, §23.5 and 6. In addition, § 23.4 allows an individual to file a complaint with the MEC regarding a candidate alleged to be in violation of Article VIII, § 23.3, within 60 days prior to the primary election until after the general election.

# **-Contribution Limits & Prohibitions-**

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## **Contribution Limits to Political Parties**

Political parties may accept aggregate contributions of \$25,550 per election from persons or committees. The aggregate applies to the party committees at the state, county, municipal, district, ward, and township levels combined.

## **Corporation and Labor Organization Contributions**

A corporation or labor organization may establish a continuing committee (PAC) which may accept contributions or dues from members, officers, directors, employees, or security holders.

- In [Advisory Opinion 2017.03.CF.010](#), the Commission stated that a corporation or labor organization may not contribute its own treasury funds to its connected continuing committee (PAC); it may contribute its own funds to an unconnected continuing committee (PAC).
- In [Advisory Opinion 2017.07.CF.014](#), the Commission discussed connected organizations and how a corporation's status under the campaign finance laws is impacted under Article VIII, § 23.

## **Contributions from Limited Liability Companies**

In Advisory Opinions [2017.02.CF.005](#), [2017.02.CF.006](#), and [2017.03.CF.009](#), the Commission discussed contributions from limited liability companies (LLCs) and foreign entities as follows:

- To the extent that a Missouri LLC is an "eligible entity" and elects to be classified as a corporation under the federal tax code, it is considered a "corporation" for purposes of Article VIII, § 23 of the Missouri Constitution. The same holds true for a foreign LLC to the extent it is an "eligible entity" and elects to be treated as a corporation by the Internal Revenue Service or has publicly-traded shares.
- An LLC with one corporate member/owner that has elected to be treated as a partnership and a disregarded entity under the Internal Revenue Code is subject to the ban on corporate contributions under Article VIII, § 23.3(3)(a).
- Continuing committees (PACs) may receive contributions from foreign corporations, associations, or partnerships, holding valid certificates of authority to do business in this state under Chapters 347 to 360, RSMo.



*For the most current information, refer to the **MEC's website**.  
Regularly check for **updates** and **Advisory Opinions**.*

# -Post Election Guidelines-

## What do I do after the election?

### **Successful Candidates:**

- File an **amended** *Statement of Committee Organization* and update election information;
- May use committee funds for necessary and ordinary expenses in connection with duties of office;
- May terminate the committee.

### **Unsuccessful Candidates:\***

- If the committee has more money on hand than debt, terminate within 30 days; **or**
- If the committee has more debt than money on hand, it can amend to a Debt Service Committee.

*\*Unsuccessful incumbent candidates: contact the MEC.*

### **Campaign Committees:**

- If the committee has more money on hand than debt, terminate within 30 days; **or**
- If the committee has more debt than money on hand, retire debt and terminate.

**Note:** Before being sworn in, successful candidates must file a *30 Day After Election Report* if they have made expenditures or made contributions. The reporting period covers the day after the last report closed through the earlier of either the day before being sworn in to office or 25 days after the election.

## Terminating a Committee

1. Distribute any remaining funds and resolve any debt.
  - See § 130.033 and 130.034, RSMo for allowable uses of contributions. Note: Missouri Constitution prohibits certain contributions to committees, including candidate committees (p. 22).
2. Close the committee's bank account.
3. File *Committee Termination Statement* and *Full Disclosure Report* within 10 days of the committee's dissolution, disclosing information on any remaining funds that were disbursed or loans that were paid through the committee's dissolution date. Current contact information for the committee is required.



See **After Election Requirements and Debt Service Committees** brochure and/or **Terminating a Committee** on our website.

# -Committee Checklist-

## Upon meeting the dollar threshold (pg. 13) or deciding to form a committee:

- ☐ Select a committee name incorporating the last name of candidate (if a candidate committee).
- ☐ Select a treasurer who is a resident of the district or county in which the committee sits. Committee may also have a deputy treasurer. Candidate can serve as treasurer or deputy treasurer.
- ☐ Open an official committee bank account using the name of the committee as it will be registered with the MEC.
- ☐ Complete the *Statement of Committee Organization* and submit to the MEC. NOTE: Local campaign committees for ballot measures, must mail *Statement of Committee Organization* to local election authority (pg. 16).
- ☐ MEC filers should read **all** emails sent from the MEC to stay up-to-date on all filing deadlines.
- ☐ Research and establish a plan for proper record-keeping.
- ☐ Review contribution limits and restrictions on receiving and making contributions (pg. 22).
- ☐ Take advantage of the MEC's educational resources, found on the website.
- ☐ Review reporting calendars and add deadlines to a personal calendar that will send reminders. Print a copy of the Deadlines and Reminders for your specific election from the MEC website.
- ☐ File all required reports by the deadlines to avoid late fees.

## After the Election:

### Unsuccessful Candidates:

- ☐ If the committee has more money on hand than debt, terminate within 30 days of the election and file a *Termination Report*. Close committee bank account, resolve debt, and disburse remaining funds.
- ☐ If the committee has more debt than money on hand, can amend to a Debt Service Committee.
- ☐ Unsuccessful incumbents should contact the MEC.

### Successful Candidates:

- ☐ File a *30 Day After Election Report* **before** being sworn-in.
- ☐ May keep the committee open and amend to next election date on the *Statement of Committee Organization* form (may use committee funds for necessary and ordinary expenses for the duties of the office).
- ☐ Terminate the committee (optional).

Campaign Committees: see pg. 25

# Conflict of Interest

## 3

### **What is governmental conflict of interest?**

(See §§ 105.450-105.467, RSMo, for more information)

A conflict of interest is generally defined as a conflict between the private interests and the official responsibilities of a person in a position of trust (Merriam-Webster). The Commission enforces specific laws that define conflicts of interest for public officials and employees.

Those laws prohibit public officials and employees, their spouses, and dependent children from realizing a personal gain by virtue of their office or position. In some circumstances, these prohibitions also apply to their businesses. These laws include restrictions on receiving additional compensation via employment, providing services or conducting business with the political subdivision, and acting to influence the decisions that could result in a financial benefit.



See the [\*\*Conflict of Interest Guide\*\*](#) available on our website.

### **In this Section**

- Employment and Compensation
- Providing Service and Conducting Business
- Decision-Making
- Use of Public Funds
- Governmental Nepotism

# **-Conflict of Interest-**

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## **Employment and Compensation**

(§§ 105.454, 105.456, 105.458, 105.462, RSMo )

As a general rule, certain elected and appointed officials, and some employees of the state or a political subdivision, cannot be employed in another capacity by the public entity in which they serve. Additionally, these officials and employees cannot be paid by a third party to influence a decision of the state or political subdivision in which they serve.

There are also statutory provisions that prevent some former officials and employees from accepting any compensation to attempt to influence a decision of the state or political subdivision that they formerly served. Officials with rulemaking authority are similarly prohibited, and they are also prohibited from doing business for a year with any entity that participated in a proceeding before that official in the preceding year.

## **Providing Services and Conducting Business**

(§§ 105.454, 105.456, 105.458, RSMo)

Generally, officials and employees may not do business with the state or the political subdivision they serve in an amount greater than \$500 per transaction or \$5,000\* per year unless there is public notice, competitive bidding, and the official or employee is the lowest bidder. The prohibition covers the provision of services and the selling, renting, or leasing of property. These restrictions also to school district officials and employees.

Statewide officeholders and officials who are members of any legislative body are also prohibited from doing business with the state or political subdivision via a business entity in an amount greater than \$500 per transaction or \$5,000\* per year unless there is public notice, competitive bidding, and the official or employee is the lowest bidder. This prohibition applies to sole proprietorships and entities where the official holds a ten percent ownership interest.

*\* For the General Assembly and statewide officeholders, the annual limit is \$1,500.*

# -Conflict of Interest-

## Decision-Making

(§§ 105.452, 105.454, 105.462, RSMo)

All public officials and all employees of the state and its political subdivisions are prohibited from taking an official act – or refraining from acting – by reason of any payment, offer to pay, promise to pay, or receipt of anything of value. This includes payments to third persons, gifts, and campaign contributions. Additionally, they may not offer, promote, or advocate for a political appointment in exchange for anything of value to any political subdivision.

Public officials and employees are prohibited from favorably acting on any matter that is designed to provide a “special monetary benefit” to the official, employee, a spouse, or a dependent child. They are also prohibited from realizing a gain from the use or disclosure of confidential information.

Officials and employees serving in an executive or administrative capacity or with rulemaking authority may not participate in or attempt to influence a decision of the political subdivision.	
If decision may result in:	UNLESS the political subdivision:
<ul style="list-style-type: none"><li>• The performance of service, or</li><li>• The selling, renting, or leasing of property, and</li><li>• A transaction greater than \$500 or \$5,000 annually</li></ul>	<ul style="list-style-type: none"><li>• provides public notice</li><li>• offers competitive bidding, and</li><li>• requires official’s bid to be the lowest received</li></ul>
<b>This prohibition applies to the official/employee, their spouse or dependent children, or their business</b>	

## Use of Public Funds

(§ 115.646, RSMo)

No contribution or expenditure of public funds can be made by an officer employee, or agent of a political subdivision (including school districts and charter schools) to advocate, support, or oppose any ballot measure or candidate for public office. This does not prohibit the public official of a political subdivision from making public appearances or issuing press releases about a ballot measure.

# -Conflict of Interest-

## Governmental Nepotism

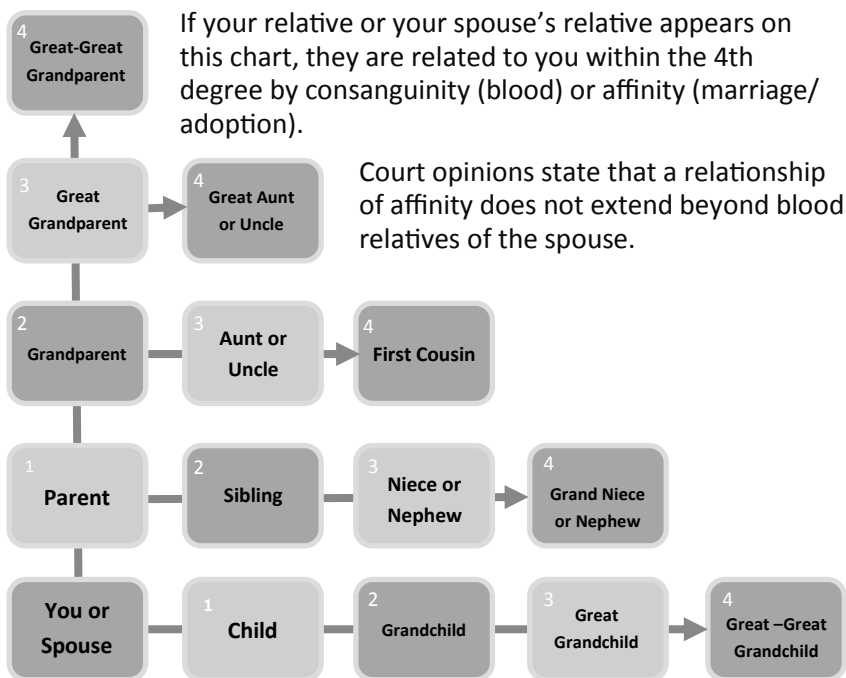
(Mo. Const. Art. VII, Section 6)

The Missouri Constitution prohibits any public officer or employee from naming or appointing to public office or employment any relative within the 4th degree by consanguinity (blood) or affinity (marriage/adoption), by virtue of their office or employment.

**The penalty for violation is automatic forfeiture of office, enforced by the county prosecutor or the Attorney General.**

**Note:** *In addition to the Missouri Constitution, political subdivisions may have their own ordinances or policies and procedures regarding nepotism. Always consult the political subdivision to ensure all state and local conflict of interest laws are followed.*

## Nepotism Chart





# Lobbying

## **Who is a Lobbyist?**

(See §§ 105.470—105.478, RSMo)

A state lobbyist is an individual who attempts to influence state executive, state legislative, or state judicial actions; and meets one or more of the following:

- a. Acts in the ordinary course of business; or
- b. Engaged in pay as a lobbyist; or
- c. Designated to act as a lobbyist by a person, business entity, governmental entity, religious organization, nonprofit corporation, association or other entity; or
- d. Spends \$50 or more on behalf of public officials, annually.

An elected local government official lobbyist is an individual who is employed for the purpose of attempting to influence any action by a local government official elected in a county, city, town, or village with an annual operating budget over \$10 million.

### **In this Section**

- Lobbyist Requirements
- Reporting Expenditures
- Waiting Periods
- Additional Lobbyist Restrictions



See **FAQs** on our website for more information.

# **-Lobbying-**

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## **Types of Lobbyists**

(§ 105.470, RSMo)

There are four types of lobbyists:

1. Legislative lobbyist
2. Executive lobbyist
3. Judicial lobbyist
4. Elected local government official lobbyist

## **Legislative Liaison**

(§ 105.470(5)(d), RSMo)

A legislative liaison is any state employee hired to communicate with members of the General Assembly on behalf of any elected official of the state; the judicial branch of state government; or any department, agency, board, or commission of the state, provided such entity is a part of the executive branch of state government. A legislative liaison is **not** a legislative lobbyist.

## **Lobbyist Requirements**

(§ 105.473, RSMo)

A lobbyist may register to lobby any or all branches of government. Each lobbyist must do the following:

- Register annually with the MEC;
- Pay a \$10 annual registration fee;
- File monthly reports disclosing any monies spent on elected officials, their family, and/or staff (or a *Non-Expenditure Report*) and disclosing business relationships with public officials.

Failure to timely file monthly reports results in a \$10 per day late fee. A lobbyist may amend or terminate their status at any time.

## **Lobbyist Principal**

(§ 105.470(7), RSMo)

A lobbyist principal is any person, business entity, governmental entity, religious organization, nonprofit corporation, or association who employs, contracts for pay, or otherwise compensates a lobbyist.

# -Lobbying-

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## Required Reports

(§ 105.473, RSMo)

- Monthly reports filed electronically on or before the 10th day of each month
  - Lobbyists report monies spent by the lobbyist principal and/or the lobbyist, including:
    - Printing and Publication
    - Media and Other Advertising
    - Travel
    - Entertainment
    - Honorariums/Gifts
    - Meals/Food/Beverages
    - Other
- List of Principals and Legislative Action Report: A lobbyist or lobbyist principal must file a *List of Principals and Legislative Action* report with the MEC by March 15 and May 30 of each year to disclose their interests to the public.

### **Important Note:**

Monthly expenditure reports **must be** filed, regardless of whether the lobbyist has expenditures to report.

## Restrictions on Lobbyist Gifts

(Mo. Const. Article III, § 2)

The Missouri Constitution prohibits members and employees of the General Assembly from receiving gifts from paid lobbyists or lobbyist principals.

Executive Order 18-10 also prohibits lobbyist gifts to the executive branch of state government.

# -Lobbying-

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## Waiting Periods

- No member or employee of the General Assembly shall act or serve as a paid lobbyist until the expiration of two calendar years after the conclusion of the session in which the member or employee served (Mo. Const. Article III, § 2(a)).
- Any person who holds a statewide office of Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer, Attorney General, or serves in an office appointed by the Governor and confirmed by the Senate, cannot act, serve, or register as a lobbyist until six months after their term of office expires (§ 105.455, RSMo).

These provisions do not apply to persons acting as a lobbyist for a state department or agency, even if paid (§ 105.470(5)(d), RSMo).



## Additional Restrictions

Any person who registers as a lobbyist and also has a candidate committee must dissolve the candidate committee and disburse all money of the committee by:

- Returning a contribution to the person or entity making the contribution;
- Donating to a 501(c)(3) nonprofit entity; or
- Transferring funds to a political party committee (§ 105.465, RSMo).

No person who registers as a lobbyist can transfer funds from any committee such person controls to another committee controlled by a candidate or public official ([Advisory Opinion 2016.08.L.001](#)) (§ 130.097, RSMo).

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*For updated information on lobbyist restrictions, refer to the **MEC's Advisory Opinions** on our website.*

# Complaints and Investigations

## **What does the MEC Investigate?**

(See §§ 105.957 and 130.054, RSMo)

The MEC's statutory responsibilities include auditing disclosure reports and reviewing formal complaints for violations of:

- Lobbyist requirements (§§ 105.470—105.478, RSMo);
- Financial interest disclosure requirements (§§ 105.483—105.492, RSMo);
- Campaign finance requirements (Ch. 130, RSMo and Mo. Const.);
- Mo. Const. Article VIII, § 23 (complaints relating to campaign finance can only be filed against a candidate within 60 days prior to the primary election until after the general election in which the candidate is running but not within the 15 days prior to the election);
- Conflict of interest laws (§§ 105.450—105.467 & 171.181, RSMo);
- The provisions of the Constitution or state statute or order, ordinance or resolution of any political subdivision relating to the official conduct of officials or employees of the state and political subdivisions;
- Any code of conduct promulgated by any department, division or agency of state government or by state institutions of higher education, or by executive order.

Investigations are confidential and not available for public viewing. Only Commission actions are published on the MEC's website.

### **In this Section**

- Requirements for Complaints
- Complaints against Candidates
- Commission Actions

# **-Complaints & Investigations-**

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Any individual may file a complaint with the MEC if they believe there has been a violation of campaign finance disclosure laws, conflict of interest laws, lobbying laws, personal financial disclosure laws, or any order, ordinance, or resolution dealing with the official conduct of officials or employees. Once a complaint is filed, meeting all MEC requirements, a determination is made as to whether or not an investigation should take place.

## **Requirements for Complaints**

(§ 105.957.2, RSMo)

- All complaints must be in writing and must be notarized.
- A copy of the complaint will be provided to the alleged violator(s) within five days of receipt.
- A copy of the complaint form may be downloaded from the MEC's website at [www.mec.mo.gov](http://www.mec.mo.gov).

## **Limitations on Complaints Against Candidates**

(§§ 105.957.3 and 130.054, RSMo)

- Within 60 days prior to the primary through the general election, the Commission can only accept a complaint on a candidate alleging violations relating to campaign finance disclosure law or PFD requirements
- The Commission cannot accept any complaints against a candidate within 15 days of an election.
- The Commission may only accept a complaint alleging a candidate has violated Article VIII, § 23.3 within 60 days prior to the primary election until the general election.

## **Commission Actions**

(§ 105.961, RSMo)

- A hearing can be held if the Commission finds reasonable grounds that a violation of the law has occurred.
- A hearing is a legal proceeding in which respondents may be represented by legal counsel if they so choose.
- A respondent is found in violation when at least four members of the Commission find probable cause of a violation.
- The Commission can resolve cases by issuing joint stipulations of fact and law which serve as a settlement.
- Commission actions are public and posted on the MEC website.



Search **Commission Cases - Commission Actions** on our website.

# Additional Resources

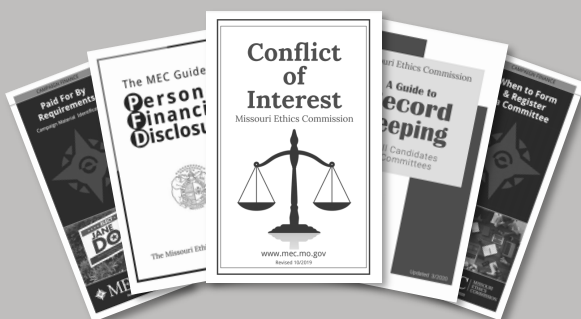
# 6

## What resources does the MEC provide?

The MEC offers training in a variety of mediums to candidates, elected and public officials, legislators, lobbyists, and others wanting to learn about Missouri's ethics laws.

The [Educational Resources](#) page on our website offers free:

- Trainings/presentations for conferences and events
- Webinars
- MEC-hosted training
- On-demand YouTube tutorial videos
- FAQs
- Publications and brochures



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Missouri Ethics  
Commission

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